THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20148 OF 2007

Dated 24th September, 2007

Between:

M/s Hemadri Enterprises …Petitioner

And

Government of Andhra Pradesh
Rep. by its Principal Secretary
And two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20148 OF 2007

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeals, applications for stay filed by the petitioner were dismissed by the competent authority. In the meantime, the second respondent issued distraint order dated 24-08-2007.

We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeals, subject to deposit of 50 per cent of the disputed tax. Therefore, we set aside the order of the authority and direct that

50 per cent of the disputed tax shall be paid by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay and the distraint order dated 24-08-2007 shall not be given effect to. If the amount is deposited within four weeks, the distraint order shall stand set aside and the stay shall continue till disposal of the appeal. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeals. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No costs.

_____

Bilal Nazki,J

Dated 24th September, 2007

_____

Ramesh Ranganathan,J

Note: Issue wire at party's cost
(b/o)
vrn